

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

AKBAR MASOOD,

Defendant.

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Criminal No. PX-22-091

GOVERNMENT REPONSE TO MOTION TO COMPEL

The United States of America, by and through undersigned counsel, requests that the Court deny as moot the Defendant's Motion to Compel Affirmative Representation. The representations requested have been made e clearly and unambiguously, and given that context, the decision of the defense to file the motion was both surprising and unnecessary.

The Government made a production, as agreed, on Friday, October 4th, fully complying with what it believes are its obligations under Rule 16, Brady, Giglio, and Jencks. Defense requested additional confirmation that the Friday production was, in fact, the Government's production of any outstanding materials. The Government responded affirmatively, that "The Defense has everything in those categories known to the Government at this time. We will produce any further materials if they come to our attention." Ex. 1. The Defense replied that this was insufficient, apparently believing that wording allowed the Government room to produce without consequence additional documents which it should have known about but failed to produce.

The Government intended only to reaffirm that the Government would produce additional materials that came to light or were created. Accordingly, in response the Government gave further confirmation that "[the previous email] was a recognition that we have a continuing obligation to disclose. It is sufficient to say that we have, to the best of our knowledge, complied with our

discovery obligations including Jencks, Giglio, Brady, and Rule 16.” Ex. 1. Government’s caveat that it will continue producing information that comes to light—hardly controversial in any case, including this one—as trial prep continues, witnesses are interviewed, and potential Jencks-qualifying communications are newly created, did not warrant a motion to this Court.

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/ Darren S. Gardner
Darren S. Gardner
Ranganath Manthripragada
Assistant United States Attorneys
United States Attorney’s Office
6500 Cherrywood Lane, Suite 200
Greenbelt, MD 20770

CERTIFICATE OF SERVICE

I, Darren S. Gardner, certify that a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all counsel of record, on October 8, 2024.

/s/ Darren S. Gardner
Darren S. Gardner
Assistant United States Attorney

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ORDER

For the reasons set forth in the Government's response it is accordingly hereby **ORDERED** that the motion to compel be denied as moot.

Dated:

Honorable Paula Xinis
United States District Court Judge